



**US Army Corps
of Engineers**
Buffalo District

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NURSEY

Barnes Nursery to restore irrigation project

BUFFALO, N.Y.--The U.S. Army Corps of Engineers, Buffalo District, announced today that it has directed the restoration of the Barnes Nursery irrigation project along Ohio's southern shoreline of East Sandusky Bay that adjoins the Sheldon Marsh Nature Preserve.

The restoration order was issued following coordination with the Ohio Environmental Protection Agency, the Ohio Department of Natural Resources, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service and the owners of Barnes Nursery. The order directs restoration of the project area by Dec. 31, 2004.

"The 2004 deadline takes into account environmental exclusion dates during which certain types of work must be halted to avoid possible impacts on endangered species," said Lt.

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Col. Jeffrey M. Hall, Buffalo District commander. “This is the best solution because it allows us to protect endangered species, and gives the nursery the opportunity adjust its business model.”

The original project was approved under an existing nationwide permit in June 2000, but it was discovered that the actual construction exceeded the limits of that permit. Barnes Nursery was determined to have exceeded the provisions of both the Rivers and Harbors Act and the Clean Water Act and was directed to stop work in July 2000.

After performing interim corrective measures in April 2001, Barnes Nursery requested authorization to maintain the projects as constructed, with proposed modifications and mitigation. The Buffalo District then issued a provisional permit to Barnes Nursery in December 2001 after conducting an environmental assessment and determining that the proposed project, with compensatory mitigation, would not have a significant individual or cumulative impact on the environment, including the marsh itself. This authorization was contingent upon the owners receiving water quality certification and coastal zone consistency from the state, both of which were denied. Barnes Nursery then appealed these decisions through separate appeal processes. In May 2003 Barnes Nursery withdrew the appeals and the administrative process was closed and the project remained unauthorized.

“The restoration order is the result of numerous consultations among the concerned parties and is a testament to their dedication to finding a resolution that balances the protection of our environment, the concerns of our partnering agencies, and the needs of the local business community,” said Hall.